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REMARKS

Claims 1-55 are pending in this application. Claims 11, 37 and 51 have been canceled and the elements of these claims have been incorporated in claims 1, 30 and 44, respectively. Claims 1-10, 12-31, 34-36 and 38-45 have been amended herein. No new matter has been added. Applicants submit that all of the pending claims are in condition for allowance. Applicants respectfully request reconsideration of the outstanding rejections and allowance of all pending claims in view of the reasons set forth below.

I. Claim Amendments

Applicants amend claims 1, 30 and 44 to recite "wherein said hardware device and said software device are accessible through the graphical interface" and "display[ing] said hardware object and said software object to a user." Applicants amend claim 15 to recite "wherein said step of accessing is performed by passing commands over said network in a MATLAB environment." Applicants amend claim 22 to recite "the code is created in a MATLAB environment." Applicants further amend claims 2-10, 12-29, 31, 34-36, 38-43 and 45 to correct form and improve the readability of the claims.

II. Claim Rejections under 35 U.S.C. § 112

Claims 15 and 22 have been rejected under 35 U.S.C. § 112, second paragraph as being indefinite. The Examiner states that the limitations of "said step of accessing is performed by passing MATLAB commands over said network" and "the code is MATLAB code" are indefinite because the definition of MATLAB commands or MATLAB code can change when the MATLAB software is updated, (Office Action, p. 2). Applicants amend claim 15 to recite "wherein said step of accessing is performed by passing commands over said network in a MATLAB environment." Applicants amend claim 22 to recite "the code is created in a MATLAB environment." Applicants believe the amendments address the Examiner's concern.

Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 15 and 22 under 35 U.S.C. § 112.

III. Claim Rejections under 35 U.S.C. § 102

Claims 1-6, 25, 28, 30-33, 36, 44-47 and 50 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Publication No. 2003/0001896 to Johnson et al. (hereafter "Johnson"), (Office Action, p. 3). Applicants respectfully traverse this rejection.

A. Claims 1-6, 25 and 28

Johnson does not disclose "said hardware device and said software device are accessible through the graphical interface" and "displaying said hardware object and said software object to a user," as recited in amended claim 1. As will be explained below, the node of Johnson does not display both hardware objects and software objects in a single graphical interface. Moreover, the hardware device and software device are not accessible in Johnson.

1. The Johnson Reference

Johnson discusses a measurement system graphical user interface which allows a user to configure measurement and automation applications. The graphical user interface (GUI) presents information for guiding the user in specifying the measurement task, [0012]. The GUI displays a first panel that presents options for specifying values of a first parameter of the measurement task, and receives first user input to the first panel indicating a value of the first parameter, [0014]. The GUI of Johnson enables the user to configure the applications; however the GUI does not enable the user to access the applications.

2. Examiner's Argument

The Examiner asserts that a node as disclosed by Johnson is the same as the hardware or software device of the instant application. Johnson indicates that a node for use in a graphical program may include underlying program instructions, and/or data structures which perform the functionality of the node, [0099]. Johnson states that when a node performs an action, the underlying program instructions and/or data structures which are represented by the node graphical icon are actually performing action. The node of Johnson is similar to a shortcut to a software program. When a user selects the node, it triggers the software program that is linked to the node. The node of Johnson does not display hardware devices *and* software devices.

3. "Accessible"

Johnson does not disclose "the hardware device and software device are accessible through the user interface," as required by claim 1. In the present application, the hardware objects and software objects that are displayed in the graphical interface represent, respectively, hardware devices and software devices. As indicated by claim 1, these hardware and software devices can be *accessed* using the same graphical interface. Johnson states that the GUI presents a plurality of GUI elements for specifying a plurality of parameters of for the measurement task, (Abstract). Johnson describes configuring the measurement tasks. During the configuration, Johnson discusses indicating the devices to be used with the measurement task. However, Johnson does not disclose that "the hardware device and software device are *accessible* through the user interface." Applicants respectfully submit that by merely changing the configuration parameters of a device, a user does not gain access to the device, i.e. the user cannot "use" the device.

4. "Displaying said hardware object and said software object"

Claim 1 further recites "displaying said hardware object and said software object to a user." Johnson does not disclose this claim element.

In Figure 16, Johnson illustrates a main configuration screen that provides for the specification of primary parameters for the measurement task, [0212]. Figures 16-27 of Johnson illustrate different screenshots of the GUI where a user can indicate various parameters of a measurement. However, none of these figures or the related text illustrates "displaying said *hardware object* and said *software object* to a user." Claim 1 recites "providing a user interface." As such, the steps of claim 1 discussed herein are carried out on one user interface. Figures 16-27 of Johnson do not illustrate displaying hardware objects and software objects to a user, as required by Applicants' claim 1.

Applicants respectfully submit that Johnson does not disclose each and every element of claim 1. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claim 1 under 35 U.S.C. § 102(b).

Claims 2-6, 25 and 28 depend from claim 1 and, as such, incorporate each and every element of claim 1. In view of forgoing arguments, Applicants respectfully submit that Johnson does not disclose each and every element of claims 2-6, 25 and 28. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 2-6, 25 and 28 under 35 U.S.C. § 102(b).

B. Claims 30-33 and 36

Amended claim 30 recites "said hardware device and said software device are accessible through the graphical interface" and "displaying said hardware object and said software object to a user." As presented above regarding claim 1, Johnson does not disclose at least these claim elements. Claims 31-33 and 36 depend from claim 30 and, as such, incorporate each and every element of claim 30. In view of foregoing arguments, Applicants respectfully submit that Johnson does not disclose each and every element of claims 30-33 and 36. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 30-33 and 36 under 35 U.S.C. § 102(b).

C. Claims 44-47 and 50

Amended claim 44 recites "said hardware device and said software device are accessible through the graphical interface" and "display said hardware object and said software object to a user." As presented above regarding claim 1, Johnson does not disclose at least these claim elements. Claims 45-47 and 50 depend from claim 44 and, as such, incorporate each and every element of claim 44. In view of foregoing arguments, Applicants respectfully submit that Johnson does not disclose each and every element of claims 45-47 and 50. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 45-47 and 50 under 35 U.S.C. § 102(b).

IV. Claim Rejections under 35 U.S.C. § 103

A. Claims 7-8, 11-15, 34-35, 37-38, 48-49 and 51-52

Claims 7-8, 11-15, 34-35, 37-38, 48-49 and 51-52 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Johnson in view of U.S. Patent Publication No.

2003/0035008 to Fuller, III et al. (hereafter "Fuller"), (Office Action, p. 5). Applicants respectfully traverse this rejection.

Claims 7-8 and 11-15 depend from claim 1. Claims 34-35 and 37-38 depend from claim 30. Claims 48-49 and 51-52 depend from claim 44. Dependent claims incorporate each and every element of the independent claim upon which they depend. Independent claims 1, 30 and 44 all recite "said hardware device and said software device are accessible through the graphical interface" and "display[ing] said hardware object and said software object to a user." Johnson and Fuller, alone or in combination, do not teach or suggest at least these claim elements.

In light of foregoing arguments, and as correctly indicated by the Examiner at the last paragraph of page 6 of the Office Action, Johnson does not teach or suggest "display[ing] said hardware object *and* said software object to a user."

1. The Fuller Reference

Fuller discusses a system and method for querying message-based instruments, automatically and/or graphically parsing the responses, and generating code that encapsulates the connection/communication with the instrument and the parsing of the response, [0019]. Fuller indicates that the computer system may automatically scan for **message-based instruments** coupled to the system, [0020].

2. The Examiner's Argument

The Examiner asserts that Fuller teaches displaying all detected devices that are accessible on the graphical interface, (Office Action, p. 6, last ¶). Applicants respectfully disagree.

3. Applicants' Argument

Fuller does teach or suggest displaying "all detected devices" as asserted by the Examiner. Fuller only concerns message-based instruments. Fuller describes massage-based instruments as instruments that are controlled by a string of ASCII characters, [0009] and [0056]. As such, Fuller only concerns hardware elements that are controlled by a string of ASCII characters.

In contrast, claims 1, 30 and 44 recite "display[ing] said *hardware object* and said *software object* to a user." As further recited in the claims, the hardware object represents a hardware device and a software object represents a software device. As further described in the specification, a hardware device is any type of hardware device capable of receiving a signal from an electronic device and/or providing a signal to an electronic device, (Detailed Description, p. 6, lines 6-8). As used in the instant application, a software device is a unit of code capable of receiving an input and/or sending an output, (Detailed Description, p. 6, lines 19-20). As such, the instant application does not limit the hardware device to "message-based instruments" like Fuller does.

Fuller, alone or in combination with Johnson, does not teach or suggest "display[ing] said hardware object and said software object to a user," as recited in Applicants' claims 1, 30 and 44. Applicants respectfully submit that the dependent claims are allowable for at least these reasons.

Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 7-8, 11-15, 34-35, 37-38, 48-49 and 51-52 under 35 U.S.C. § 103(a).

B. Claims 9-10

Claims 9-10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Johnson in view of U.S. Patent Publication No. 2003/0083756 to Hsiung et al. (hereafter "Hsiung"), (Office Action, p. 8). Applicants respectfully traverse this rejection.

Claims 9 and 10 depend from claim 1 and, as such, incorporate each and every element of claim 1. Claim 1 recites "said hardware device and said software device are accessible through the graphical interface" and "displaying said hardware object and said software object to a user." Johnson and Hsiung, alone or in combination, do not teach or suggest at least this claim element.

Johnson does not teach or suggest "said hardware device and said software device are accessible through the graphical interface" and "displaying said hardware object and said software object to a user." Hsiung fails at curing the shortcomings of Johnson with regard to at least this claim element.

1. The Hsiung Reference

Hsiung discusses a technique for processing information or data over a network of computers. Hsiung further discusses a system for monitoring and controlling a process, or both monitoring and controlling a process, [0007]. The system illustrated in Hsiung includes an input module for receiving a plurality of parameters form a process for manufacture of a substance or object.

2. Applicants' Argument

Hsiung does not concern a graphical interface capable of indicating available hardware and software devices. Specifically, Hsiung, alone or in combination with Johnson, do not teach or suggest "displaying said hardware object and said software object to a user," as recited in Applicants' claim 1. As such, the combination of Hsiung and Johnson does not teach or suggest that "said hardware device and said software device are accessible through the graphical interface." Applicants respectfully submit that the dependent claims are allowable for at least these reasons.

Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 9-10 under 35 U.S.C. § 103(a).

C. Claims 16-17, 27, 39-40, 43 and 53-54

Claims 16-17, 27, 39-40, 43 and 53-54 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Johnson in view of U.S. Patent Publication No. 2003/0004670 to Schmit et al. (hereafter "Schmit"), (Office Action, p. 8). Applicants respectfully traverse this rejection.

Claims 16-17 and 27 depend from claim 1. Claims 39-40 and 43 depend from claim 30. Claims 53-54 depend from claim 44. Dependent claims incorporate each and every element of the independent claim upon which they depend. Claims 1, 30 and 44 recite "said hardware device and said software device are accessible through the graphical interface" and displaying "said hardware object and said software object to a user." Johnson and Schmit, alone or in combination, do not teach or suggest at least this claim element.

Johnson does not teach or suggest "said hardware device and said software device are accessible through the graphical interface" and "displaying said hardware object and said software object to a user." Schmit fails at curing the shortcomings of Johnson with regard to at least this claim element.

1. The Schmit Reference

Schmit discusses one or more measurement devices comprising a measurement hardware device, a virtual measurement device or other type of device, [0013]. Schmit further indicates that a graphical user interface presents a list of available devices and corresponding channels appropriate for the indicated measurement type, where each of the channels corresponds to a terminal of a corresponding device, [0016]. Schmit further indicates that if the selected measurement type were voltage, the devices listed may be those deices available to the system which are suitable for measuring a voltage, [0136].

2. Applicants' Argument

Schmit only indicates presenting a list of the hardware objects available to the system. Schmit, alone or in combination with Johnson, do not teach or suggest "displaying said hardware object and said software object to a user," as recited in Applicants' claims 1, 30 and 44. As such, the combination of Schmit and Johnson does not teach or suggest that "said hardware device and said software device are accessible through the graphical interface." Applicants respectfully submit that the dependent claims are allowable for at least these reasons.

Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 16-17, 27, 39-40, 43 and 53-54 under 35 U.S.C. § 103(a).

D. Claims 18-24, 26, 41-42 and 55

Claims 18-24, 26, 41-42 and 55 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Johnson in view of Hsiung, in further view of U.S. Patent Publication No. 2003/0056018 to Pike et al. (hereafter "Pike"), (Office Action, p. 10). Applicants respectfully traverse this rejection.

Claims 18-24 and 26 depend from claim 1. Claims 41-42 depend from claim 30. Claim 55 depends from claim 44. Dependent claims incorporate each and every element of the independent claim upon which they depend. Claims 1, 30 and 44 recite "said hardware device and said software device are accessible through the graphical interface" and displaying "said hardware object and said software object to a user." Johnson, Hsiung and Pike, alone or in combination, do not teach or suggest at least this claim element.

As presented above, Johnson and Hsiung, alone or in combination, do not teach or suggest "said hardware device and said software device are accessible through the graphical interface" and "displaying said hardware object and said software object to a user."

1. The Pike Reference

Applicants respectfully submit that they are very familiar with Pike's work, who is a joint inventor in the present application. In fact, Applicants' attorneys were prosecuting the cited patent application in the United States Patent and Trademark Office and the application was issued as a patent on January 31, 2006. Pike discusses receiving a first creation command from a user interface and establishing a communication channel linking the command interpreter and the control instrument independent of the interface bus or interface hardware driver type, [0004]. Pike indicates a GUI that displays information regarding the configuration of the various communication channels the user may establish in response to user commands, [0036].

2. Applicants' Argument

However, Pike, alone or in combination with Johnson and Hsiung, do not teach or suggest "said hardware device and said software device are accessible through the graphical interface" and "displaying said hardware object and said software object to a user," as recited in Applicants' claims 1, 30 and 44. As such, the combination of Pike, Hsiung and Johnson does not teach or suggest that "said hardware device and said software device are accessible through the graphical interface." Applicants respectfully submit that the dependent claims are allowable for at least these reasons.

Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 18-24, 26, 41-42 and 55 under 35 U.S.C. § 103(a).

E. Claim 29

Claim 29 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Johnson in view of U.S. Patent No. 5,986,653 to Phathayakorn et al. (hereafter "Phathayakorn"), (Office Action, p. 11). Applicants respectfully traverse this rejection.

Claim 29 depends from claim 1 and, as such, incorporates each and every element of claim 1. Claim 1 recites "said hardware device and said software device are accessible through the graphical interface" and "displaying said hardware object and said software object to a user." Johnson and Phathayakorn, alone or in combination, do not teach or suggest at least this claim element.

Johnson does not teach or suggest "said hardware device and said software device are accessible through the graphical interface" and "displaying said hardware object and said software object to a user." Phathayakorn fails at curing the shortcomings of Johnson with regard to at least this claim feature.

1. The Phathayakorn Reference

Phathayakorn discusses a method for signaling and acknowledging events associated with resource object organized in a foldable object tree displayed by a GUI. Phathayakorn further indicates that a foldable object tree allows a part of the tree to be folded into its parent object, (Col. 1, lines 55-60).

2. Applicants' Argument

Phathayakorn, alone or in combination with Johnson, do not teach or suggest "displaying said hardware object and said software object to a user," as recited in Applicants' claim 1. As such, the combination of Phathayakorn and Johnson does not teach or suggest that "said hardware device and said software device are accessible through the graphical interface." Applicants respectfully submit that claim 29 is allowable for at least these reasons.

Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claim 29 under 35 U.S.C. § 103(a).

Application No.: 10/809,152 Docket No.: MWS-104

CONCLUSION

In view of the above comments, Applicants believe the pending application is in condition for allowance and urges the Examiner to pass the claims to allowance. Should the Examiner feel that a teleconference would expedite the prosecution of this application, the Examiner is urged to contact the Applicants' attorney at (617) 227-7400.

Please charge any shortage or credit any overpayment of fees to our Deposit Account No. 12-0080, under Order No. MWS-104. In the event that a petition for an extension of time is required to be submitted herewith, and the requisite petition does not accompany this response, the undersigned hereby petitions under 37 C.F.R. § 1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized to be charged to the aforementioned Deposit Account.

Dated: August 10, 2007

Respectfully submitted,

By _____

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